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UNCLAS LIMA 004599

SIPDIS

SENSITIVE

DEPT FOR L/DL AND WHA/AND - JMONSERRATE

E.O. 12958: N/A

TAGS: PREL KJUS PE

SUBJECT: REQUEST FOR GUIDANCE IN RESPONDING TO DIPLOMATIC NOTE

REF: URS/MARGULIES E-MAIL 10/21

Sensitive But Unclassified, Please Handle Accordingly

¶1. (U) This is an action request. Post requests guidance on how to respond to the Foreign Ministry's Diplomatic Note (DGL/CJE) 6-3/367 of October 13, 2005 regarding a request from the Superior Court of Justice of Lima (Corte Superior de Justicia de Lima) to the Peruvian Foreign Ministry concerning the Court's interest in receiving information on the whereabouts of former officials of Embassy Lima (Ambassador John Hamilton and Krishna Urs), for the apparent purpose of calling them as witnesses in a criminal trial. A copy of the Diplomatic Note and attachments is being forwarded to WHA/AND for coordination with L/DL.

¶2. (U) Begin unofficial translation of Diplomatic Note:

(Complimentary opening)

... and has the honor of referring to Memorandum No. 5323-2005-P-CSJLI/PJ of October 5, 2005, written by the President of the Superior Court of Justice of Lima, a copy of which is attached.

In this regard, with respect to the referenced memorandum, the Embassy is requested to provide information on the address of former Ambassador of the United States in Peru John Hamilton, as well as former Economic Counselor Krishna Urs, who were offered as witnesses in the criminal proceedings being brought against Pedro Huertas Caballero for the crime of influence peddling involving public officials, to the detriment of the Peruvian State.

(Complimentary closing)

Lima, October 13, 2005

End Text.

¶3. (SBU) Per Ref and based on documentation provided by the court, Post understands that this litigation is related to a civil suit brought by Chrysler Corporation against the Peruvian company Automotriz Beta. Chrysler's suit was based on not having been fully paid for assets that it sold to Automotriz Beta after Chrysler liquidated its holdings in Peru in the 1980s. Chrysler believed that it was unable to win compensation in the suit it brought against Automotriz Beta because of corruption in the Peruvian courts, and in the late 1990s, Embassy officials became involved in advocacy on behalf of Chrysler with officials in Peru's executive and judicial branches. In the transcript of court proceedings forwarded along with the instant Diplomatic Note, several witnesses make reference to the interventions made by former Ambassador Hamilton and former Economic Counselor Urs.

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